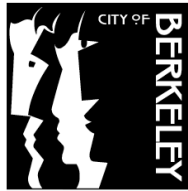


**REVISED AGENDA  
(TELECONFERENCE LOCATION ADDED)**



**BERKELEY CITY COUNCIL MEETING**

**TUESDAY, MAY 1, 2012**

**7:00 P.M.**

**COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY**

**TELECONFERENCE LOCATION - 1901 ALCATRAZ AVENUE**

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – DARRYL MOORE  
DISTRICT 3 – MAX ANDERSON  
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – GORDON WOZNAK

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## **Preliminary Matters**

### **Roll Call:**

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

*In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

*The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.*

### **1. Surplus Property Disposition: 2931 Shasta Road**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,233–N.S. approving the sale of 2931 Shasta Road and authorizing the Interim City Manager to execute all necessary documents required to sell the property, for the amount of \$540,000.

**Financial Implications:** General Fund revenue - \$540,000, included in adopted FY 2012 budget.

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Capitelli (recused) Wengraf.

### **2. Amendments to Berkeley Election Reform Act**

**From: Fair Campaign Practices Commission**

**Recommendation:** Adopt second reading of Ordinance No. 7,234–N.S. amending the Berkeley Election Reform Act (BERA) as follows:

1. Amend section 2.12.065 to provide for electronic posting of campaign contributions in lieu of newspaper publication;

**First Reading Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin; Abstain – Anderson, Worthington

2. Add section 2.12.231 to create additional remedies for violations including issuance of monetary penalties;

**First Reading Vote:** Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Maio

## Consent Calendar

3. Add section 2.12.271 to create additional filing requirements for committees making expenditures in support of or opposition to a measure;

**First Reading Vote:** Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Maio

4. Add section 2.12.297 to require additional filing of independent expenditure reports in 40 days preceding election;

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

5. Amend section 2.212.485 to create a penalty for late filing of reports required by section 2.12.297. Second reading scheduled for May 1, 2012.

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

### 3. Amendment: FY 2012 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2012 Annual Appropriations Ordinance No. 7,213-N.S. for fiscal year 2012 based upon other adjustments in the amount of \$19,898,633 (gross) and \$20,705,511 (net).

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

### 4. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of March 5, 2012 (special closed), March 6, 2012 (special and regular), March 12, 2012 (special closed), March 13, 2012 (special), March 20, 2012 (special and regular), and April 3, 2012 (special and regular).

**Financial Implications:** None

Contact: Mark Numainville, Acting City Clerk, 981-6900

### 5. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$1,211,000

Contact: Robert Hicks, Finance, 981-7300

## Consent Calendar

- 6. Classification: Revenue Development Officer**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 64,250-N.S., Classification and Salary Resolution for Public Employees Union Local One, to abolish the classification of Revenue Development Officer, effective May 2, 2012.  
**Financial Implications:** None  
Contact: David Hodgkins, Human Resources, 981-6800
- 7. Funding Reservation: Housing Trust Fund to Resources for Community Development for William Byron Rumford, Jr. Plaza**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving:  
1. A funding reservation to Resources for Community Development (RCD) of \$1,100,000 HOME funds for the rehabilitation of 43 family units at William Byron Rumford Senior Plaza; and  
2. A waiver of the project selection and predevelopment loan requirements of the Housing Trust Fund (HTF) Guidelines in order to approve the funding reservation; and  
3. An extension of the 2010 HTF funding round to December 31, 2012 in order to allow the Council to approve funding reservations for projects in the existing pipeline.  
**Financial Implications:** Funding Reservation: HOME Funds - \$1,100,000  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- 8. Contract: Advantel Networks for Voice over Internet Protocol (VoIP) Telephone System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Advantel Networks for a Voice over Internet Protocol (VoIP) telephone system, for a total not to exceed \$1,205,000, from May 2, 2012 to June 30, 2017.  
**Financial Implications:** Various Funds - \$1,205,000  
Contact: Donna LaSala, Information Technology, 981-6500
- 9. Donation of Historic Plaque at Old City Hall**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the donation of a Berkeley Historical Plaque valued at \$1,600 from the McGee-Spaulding-Hardy Historic Interest Group (MSHHIG) to be placed at Old City Hall.  
**Financial Implications:** \$1,600 donation; \$200 staff time  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 10. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at a Building at James Kenney Park**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with the Bay Area Hispano Institute for Advancement (BAHIA) for the small building located at 1718 Eighth Street at James Kenney Park for a five year term beginning July 1, 2012.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

### 11. **Contract Amendments: On-Call Civil Engineering Services**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager to amend four contracts with on-call civil engineering services for a combined increased amount of \$600,000 and a combined total for all contracts not to exceed \$1,600,000 as follows:

1. HDR Engineering, Inc., Contract No. 8445, increasing the amount by \$150,000 for an amount not to exceed \$400,000;
2. RMC Water and Environment, Contract No. 8446, increasing the amount by \$150,000 for an amount not to exceed \$400,000;
3. Harris & Associates, Contract No. 8443, increasing the amount by \$150,000 for an amount not to exceed \$400,000; and
4. Wilsey Ham, Contract No. 8444, increasing the amount by \$150,000 for an amount not to exceed \$400,000.

**Financial Implications:** Sanitary Sewer Fund - \$600,000

Contact: Andrew Clough, Public Works, 981-6300

### 12. **Memorandum of Understanding: Interstate 80 Integrated Corridor Mobility (I 80 ICM) Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute the documents necessary for the City of Berkeley to join other parties in the Memorandum of Understanding for the I-80 Integrated Corridor Mobility Project.

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300

### 13. **Purchase Order: Downtown Ford Sales for 8 Patrol Vehicles**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the City of Sacramento bid procedures to satisfy the requirement of Berkeley Charter 67.2, and authorizing the City Manager to execute a purchase order for 8 patrol vehicles with Downtown Ford Sales in an amount not to exceed \$257,000.

**Financial Implications:** Equipment Replacement Fund - \$257,000

Contact: Andrew Clough, Public Works, 981-6300

### 14. **Letter to 2 X 2 Committee to Reinstate Special Day Classes for Hearing Impaired Children at John Muir**

**From: Commission on Disability**

**Recommendation:** Request Council to send a letter to the 2 X 2 Committee, based upon the attached draft from the Commission on Disability, asking for the Committee's support to reinstate the Special Day Classes for hearing impaired children at John Muir Elementary school.

**Financial Implications:** None

Contact: Paul Church, Commission Secretary, 981-6342

## Consent Calendar

15. **Mental Health Commission Appointments: Charles Black, Shelby Heda and Dametrus Lewis**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the appointment of Charles Black as a representative of the General Public Interest category and Shelby Heda and Dametrus Lewis as representatives of the Special Public Interest category to the Mental Health Commission, beginning May 1, 2012 and ending April 30, 2015.  
**Financial Implications:** None  
Contact: Carol Patterson, Commission Secretary, 981-5217

## Council Consent Items

16. **Renaming Eastshore State Park in Honor of Sylvia McLaughlin**  
**From: Mayor Tom Bates**  
**Recommendation:** Adopt a Resolution supporting Assembly Concurrent Resolution 55 (Skinner) urging the California State Parks and Recreation Commission to rename the East Shore State Park as the Sylvia McLaughlin East Shore State Park.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100
17. **Berkeley Historical Society: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Maio, Wengraf, Anderson and Mayor Bates**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per Councilmember to the Berkeley Historical Society and their Women's Symposium: "Celebrating the 100<sup>th</sup> Anniversary of Women's Right to Vote" with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and Wengraf and any other Councilmembers who would like to contribute to support this centennial event. This event was held on April 18, 2012.  
**Financial Implications:** Councilmembers' Discretionary Fund - \$200  
Contact: Linda Maio, Councilmember, District 1, 981-7110
18. **Berkeley Public Education Foundation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution authorizing the transfer of funds of an amount not to exceed \$150 per Councilmember to the City to be used for a grant to the Berkeley Public Education Foundation to support its Spring Luncheon with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who wish to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$150  
Contact: Linda Maio, Councilmember, District 1, 981-7110

## Council Consent Items

19. **East Bay Bicycle Coalition: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$50 per Councilmember to the East Bay Bicycle Coalition's "Blessing of Bicycles" event with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$50  
Contact: Linda Maio, Councilmember, District 1, 981-7110
20. **Amend the Zoning Code to Facilitate Toxic Remediation in Manufacturing Districts**  
**From: Councilmembers Moore and Wozniak**  
**Recommendation:** Refer to the Planning Commission recommendations for amending the zoning code in order to facilitate toxic remediation in manufacturing districts and to develop a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division.  
**Financial Implications:** Unknown  
Contact: Darryl Moore, Councilmember, District 2, 981-7120
21. **Immigrant Housing Discrimination**  
**From: Councilmember Arreguin**  
**Recommendation:** Refer to the City Manager a proposed ordinance for drafting that requires a landlord to disclose the immigrant tenant protections of California Civil Code 1940.3(b) whenever a landlord requests an applicant to provide proof of legal residency status as a condition of tenancy.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
22. **Support AB 1831 - Banning the Box**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution supporting Assembly Bill 1831, introduced by Assemblymember Roger Dickinson, which postpones the criminal background check of a job applicant until after the first screening for qualifications has found the applicant qualified.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
23. **Supporting Assembly Bill 2346 Regarding the Health Rights of Farm Workers**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution supporting Assembly Bill 2346, introduced by Assemblymember Betsy Butler, which would ensure that farm workers receive adequate water and shade when working in the heat.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

## Council Consent Items

24. **Support for SB 1220, The HOMeS Act**  
**From: Councilmember Capitelli**  
**Recommendation:** Send a letter to State Senator Loni Hancock in support of SB 1220 that will provide resources for affordable housing through a \$75 document recording fee on real estate transactions.  
**Financial Implications:** None  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
25. **City Sponsorship of the 75th Anniversary Celebration of the Berkeley Rose Garden**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution co-sponsoring the 75th Anniversary Celebration of the Berkeley Rose Garden to be held September 23, 2012 and to commit the Police, Public Works and the Parks Recreation and Waterfront departments to provide services to support the event.  
**Financial Implications:** To be determined  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
26. **Berkeley Partners for Parks for the Berkeley Rose Garden 75th Anniversary Event: Relinquishment of Council Office Budget Funds to General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember to the Berkeley Partners for Parks to fund the Berkeley Rose Garden 75th Anniversary Event with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Susan Wengraf and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$1,000  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
27. **Support of AB 2348: Access to Birth Control**  
**From: Councilmembers Wengraf and Maio**  
**Recommendation:** Adopt a Resolution supporting AB 2348 and send a letter to Assemblymember Nancy Skinner and State Senator Loni Hancock.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
28. **Support of SB 1338 - Safe and Early Access Bill (Kehoe)**  
**From: Councilmembers Wengraf and Maio**  
**Recommendation:** Adopt a Resolution supporting SB 1338 and send a letter to Senators Hancock and Kehoe and Assemblymember Skinner.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160



## Council Consent Items

29. **City Manager Referral: Availability Study to Allow Affirmative Action in City Contracting**  
**From: Councilmembers Worthington and Anderson**  
**Recommendation:** Refer to the City Manager consideration of an Availability Study to analyze the City's use of local, small emerging, minority and women business enterprises on City construction, architecture and engineering, professional services, and goods and other services contracts.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
30. **Proclamation in Honor of Clive Matson**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a proclamation honoring Clive Matson to be presented at the 10th Annual Berkeley Poetry Festival on May 5, 2012.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
31. **Support a Proclamation to Honor May as Asian American and Pacific Islander Heritage Month**  
**From: Councilmembers Worthington and Arreguin**  
**Recommendation:** Adopt a proclamation to honor the month of May as Asian American and Pacific Islander Heritage Month in the City of Berkeley.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar

*After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

### 32. West Berkeley Project - Master Use Permit Process

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion provide direction to staff, or continue to May 8, 2012 to provide direction to staff, regarding the following actions proposed to be taken at the May 15, 2012 Council Meeting:

1. Adopt a Resolution certifying the Environmental Impact Report (EIR) and adopt CEQA findings and the Mitigation Monitoring Program;
2. Adopt a Resolution approving amendments to the West Berkeley Plan, and by reference the General Plan; and
3. Adopt first reading of an Ordinance to repeal and reenact BMC Chapter 23B.36. Master Use Permits.

**Financial Implications:** See report

Contact: Wendy Cosin, Planning and Development, 981-7400

### 33. Derby Street Land Vacation and Exchange with Berkeley Unified School District

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt:

1. A Resolution adopting the Mitigated Negative Declaration previously adopted by the Berkeley Unified School District and all required findings under the California Environmental Quality; and
2. The first reading of an Ordinance:
  - a. Vacating a portion of the public right-of-way of Derby Street; and
  - b. Conveying the City's interests in the vacated property to Berkeley Unified School District; and
  - c. Accepting, in exchange, an offer of street dedication of fee interest at 1925 Derby Street from Berkeley Unified School District for public right-of-way purposes.

**Financial Implications:** None

Contact: Andrew Clough, Public Works, 981-6300

### 34. Public Hearing: FY 2013 Street Lighting Assessment

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution:

1. Confirming the assessments in the Engineer's Report, dated February 2012, and
2. Authorizing the levying of FY 2013 Assessments for Berkeley Street Lighting Assessment District No. 1982-1.

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300

## Action Calendar – Public Hearings

35. **Public Hearing and Levying of Assessments in the Solano Avenue Business Improvement District for the Balance of 2012**  
**From: Solano Avenue BID Advisory Board**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "the District") for 2012 and, if no majority protest exists, levy annual assessments in the area for the balance of calendar year 2012 to finance improvements in the District.  
**Financial Implications:** See report  
Contact: Dave Fogarty, Commission Secretary, 981-7534

## Action Calendar – Old Business

36. **ZAB Appeal: 2301 Durant Avenue** *(Continued from April 3, 2012)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 10-10000017 to demolish an existing parking garage, school, and church community facility, and construct a five-story mixed-use building with a ground-floor parking garage, church community facility, and Group Living Accommodations (GLA) for 164 residents.  
**Financial Implications:** None  
Contact: Wendy Cosin, Planning and Development, 981-7400
- b. Communication**  
1. Jack Sawyer
37. **Berkeley Student Cooperative, the Housing Trust Fund, and the Affordable Housing Mitigation Fee** *(Continued from March 6, 2012)*  
**From: City Manager**  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
38. **Supporting Assembly Bill 1081 as Amended** *(Continued from April 3, 2012)*  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution supporting the recently amended Assembly Bill 1081, the TRUST Act, introduced by Assemblymember Tom Ammiano, and urging the California State Legislature and Governor Jerry Brown to support the TRUST Act.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
39. **Support Initiative 11-0098 Medical Marijuana Regulation, Control, and Taxation Act of 2012** *(Continued from April 3, 2012)*  
**From: Councilmember Worthington**  
**Recommendation:** Support Initiative 11-0098 the Medical Marijuana Regulation, Control, and Taxation Act of 2012 (MMRCT).  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar – New Business

### 40. a. Discussion and Direction Regarding Possible Ballot Measures to be Included in Second Community Survey

**From: City Manager**

**Recommendation:** Discuss possible ballot measures for November 2012, and provide direction to the City Manager about which measures to include in a second community survey.

**Financial Implications:** General Fund - \$18,810

Contact: William Rogers, City Manager's Office, 981-7000

### **New Ballot Measure for Warm Pool Bond**

#### **b. From: Commission on Disability and Commission on Aging**

**Recommendation:** Place a bond measure on the November 2012 election ballot allowing the citizens of Berkeley to vote on whether money should be issued for the rebuilding of a warm pool.

**Financial Implications:** See report

Contact: Paul Church, Secretary to the Commission on Disability, 981-6342; Leah Talley, Secretary to the Commission on Aging, 981-5178

#### **c. From: City Manager**

**Recommendation:** Refer bond funding for a warm pool to the City Council for its consideration, along with other infrastructure needs, and informed by the Results from March Community Survey submitted to Council on April 3, 2012.

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300; Jane Micallef, Health, Housing and Community Services, 981-6400

### **Potential Ballot Measures in 2012: Parks Tax Increase and the Inclusion of Parks Projects in a Citywide Bond Measure** *(Continued from April 3, 2012)*

#### **d. From: Parks and Recreation Commission**

**Recommendation:**

1. Include an item on the November 2012 ballot to increase the Parks Tax base rate to solve the current structural deficit and include additional funding for annual maintenance to preserve existing parks and facilities; and
2. Include parks projects in the Citywide bond measure on the November ballot to address priority safety issues, ADA access issues, and necessary upgrades in City parks and facilities.

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, 981-6343

#### **e. From: City Manager**

**Recommendation:** Refer the actions from the Parks and Recreation Commission related to the Parks Tax and parks bond to the Council's November 2012 ballot discussions.

**Financial Implications:** None

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Council Action Calendar

### 41. Five-Minute Grace Period at Pay-and-Display Parking Meters

**From: Councilmember Capitelli**

**Recommendation:** Adopt a Resolution establishing a five-minute grace period for vehicles where a valid receipt from a pay-and-display meter is appropriately displayed.

**Financial Implications:** Unknown

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

## Information Reports

### 42. Scholarship from the American Society of Prevention of Cruelty to Animals (ASPCA) to Berkeley Animal Care Services (BACS) to attend the Humane Society of the United States (HSUS) Animal Care Expo

**From: City Manager**

Contact: William Rogers, City Manager's Office, 981-7000

### 43. Community Disaster Preparedness Programs Update

**From: City Manager**

Contact: Debra Pryor, Fire, 981-3473

### 44. Measure GG Expenditure Report

**From: City Manager**

Contact: Debra Pryor, Fire, 981-3473

### 45. Status of Berkeley Transportation Action Project (B-TAP)

**From: City Manager**

Contact: Andrew Clough, Public Works, 981-6300

### 46. Climate Action Coalition

**From: Energy Commission**

Contact: Neal De Snoo, Commission Secretary, 981-7439

## Public Comment – Including Items Not Listed on the Agenda –

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.ci.berkeley.ca.us/video> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.ci.berkeley.ca.us/citycouncil>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.ci.berkeley.ca.us/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@ci.berkeley.ca.us](mailto:clerk@ci.berkeley.ca.us)

Libraries:  
Main - 2090 Kittredge Street  
West Branch – 1125 University  
North Branch – 1170 The Alameda

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 26, 2012.***

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, Acting City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Item 24: Support for SB 1220, The HOMeS Act**

1. Housing Advisory Commission

### **EEOC Filing/Charge**

2. Ragni Larsen-Orta

### **Parking Citation**

3. Gayle Cepparo

### **University Avenue Co-Op Issue**

4. Richard Berkeley

## **Communications**

### **Use of Empty Lot**

5. Valentine Wiggin

### **Bond Measures**

6. Philip Moody

### **Police/Citizen Interaction**

7. Kate DeGraaf

### **Inclusionary Zoning & Housing Impact Fees**

8. Marian Wolfe